ORDINANCE NO. 11

SERIES 1954

AN ORDINANCE VACATING ALL THAT PORTION OF COLUMBUS STREET EXTENDING FROM THE EASTERLY LINE OF NORTH 10TH AVENUE TO THE WESTERLY LINE OF NORTH 9TH AVENUE, IN THE CITY OF ELGIN, OREGON (BEING A PORTION OF SAID STREET DESCRIBED IN RESOLUTION NO. 3, SERIES 1954), and DECLARING AN EMERGENCY.

WHEREAS the Council of the City of Elgin has heretofore caused an examination to be made of that portion of the street hereinafter described, and of the properties adjacent to and adjoining the same and situated in the immediate vicinity thereof, and has found that the vacation of that area of the street hereinafter described will not in any way affect the market value of adjoining, adjacent and closely situated properties and that the public interest will not be prejudiced thereby, and

WHEREAS, on the first day of September, 1954, the Council of the City of Elgin, Oregon, duly passed and adopted a Resolution to initiate proceedings to vacate certain areas of Columbus Street which included the area of this street as is hereinafter described and thereby declared its intention to make such vacation without a petition or consent of property owners and fixed Wednesday, October 6, 1954, at the hour of eight o'clock P.M., at the Council Chambers in the City Hall of Elgin, Union County, Oregon, as the time for hearing any and all objections and remonstrances to such vacation; and

WHEREAS, a certificate has been filed by the City Recorder of the City of Elgin showing that all city liens and all taxes have been paid on the land covered by the plat and area thereof to be vacated and that no damage has accrued or will be caused as the result of any such vacation; and

WHEREAS, notice of such vacation was duly published in the Elgin Recorder, a weekly newspaper of general circulation printed and published in Elgin, Union County, Oregon, for four consecutive and successive weeks, beginning with the issue of said newspaper dated September 2, 1954, and ending with the issue of said September23, 1954, due proof of such publication having heretofore been filed with the City Recorder of Elgin, Oregon; and

WHEREAS, notice of vacation was duly posted on the 4 day of September, 1954, in three public places in the City of Elgin, Oregon, all in public view, to-wit, one

at or near the intersection of said Tenth Avenue and Columbus Street, one at or near the intersection of North Ninth Avenue and Columbus Street and one at or near the intersection of North Ninth Avenue and Railroad Street, due proof of such posting having been filed heretofore, with the City Recorder of Elgin, Oregon; and

WHEREAS, at the time and place fixed for hearing upon said vacation, to-wit, eight o'clock P.M. on the 6th day of October, 1954, at the Council Chambers in City Hall of Elgin, Union County, Oregon, said hearing was held and no objection to such vacation or remonstrance thereto was made in writing or filed with the City Recorder of Elgin, Oregon, prior to the time of such hearing, and no one appeared at such hearing to make any objection or remonstrance to such vacation;

NOW, THEREFORE, THE CITY OF ELGIN ORDAINS AS FOLLOWS:

Section 1. That all that portion of Columbus Street lying between the easterly line of North Tenth Avenue and the westerly line of North Ninth Avenue being otherwise described as Columbus Street between Blocks 34 and 41 in Hindman's Addition to Elgin, Oregon, the same being that area of Columbus Street extending from the intersectiom of said Columbus Street and North Tenth Avenue and running and thence in an easterly direction to the intersection of said Columbus Street ~~extending~~ North Ninth Avenue, be and the same is hereby vacated subject however to the right of the City of Elgin to maintain and operate any water mains, sewers or any public utilities now existing or which may be hereinafter installed in said street and subject also to the rights of the Oregon-Washington Railroad and Navigation Company and its lessee, Union Pacific Railroad Company, their successors and assigns, to maintain, repair, renew and operate the southerly leg of the railroad's wye track as same now exists in and across North Ninth Avenue and Columbus Street and also the spur track taking out of said wye track as same crosses Railroad Street and terminating in North Ninth Avenue as the same now exists, and that part of the plat showing Columbus Street as herein described shall henceforth be held for naught and the title to said vacated street subject to the two reservations outlined above shall be and remain as by law provided.

Section 2. That the City Recorder of Elgin, Oregon, is hereby directed to cause a certified copy of this Ordinance, together with a plat showing the areas vacated hereby, to be recorded in the Records in Plat Vacations in the office of

the County Clerk of Union County, Oregon, and also to file certified copies of this Ordinance with the County Assessor and the County Surveyor of Union County, Oregon.

Section 3. It appearing that Columbus Street as now being vacated has never been open to public travel and that it is necessary for the preservation of the peace and quiet of the City of Elgin that this Ordinance shall take effect immediately upon its passage and approval, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

Passed this 1st day of December, 1954, by 4 Councilmen voting therefore.

Approved this 1st day of December, 1954.

Ray C. Roulet
Mayor

Filed this 3rd day of December, 1954.

A P Miller
City Recorder